

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE: § § **CASE 19-10143**
Cox, Rebecca JoAnne § §
§ §
DEBTOR § § **CHAPTER 13**

**DEBTOR'S MOTION TO MODIFY CONFIRMED PLAN
AND FIRST REQUEST FOR ADDITIONAL ATTORNEY FEES**

This pleading requests relief that may be adverse to your interests.

If no timely response is filed within twenty-one (21) days from the date of service, the relief requested herein may be granted without a hearing held.

A timely response is necessary for a hearing to be held.

To the Honorable United States Bankruptcy Judge:

NOW COMES the Chapter 13 Debtor by and through their attorney files this *Motion to Modify Confirmed Plan*, and in support thereof would show the Court as follows:

1. The Debtor filed a voluntary petition for relief under Chapter 13 on 2/1/2019. The Chapter 13 Plan was confirmed on 5/6/2019. The Confirmed Plan provides for a distribution to unsecured creditors equal to 56% of their claims. The Trustee is disbursing ongoing mortgage payments.
2. The current confirmed plan calls for monthly payments of \$2070 for the remaining 46 months of a 49 month plan. The base amount of the plan is currently \$101,430.
3. The Debtor's first plan payment was due on 3/3/2019. The plan is therefore currently in month 3. The last payment posted to Debtor's case was on 5/13/2019. The Debtor is current on the payments to the Trustee under the plan
4. The debtor was in a car accident and her vehicle was deemed a total loss. The reason for this modification is to surrender the 2011 Chevrolet Equinox to A+FCU to in the amount of \$8069.15 and the modification provides that payments to this creditor will cease

following entry of the Order Modifying. A+FCU filed their original claim #2 on 2/8/2019 and amended the claim to reflect the payoff of the vehicle from insurance proceeds to \$0 on 4/25/2019.

6. The Debtor's current budget will allow a monthly payment of \$1850 per month which will be sufficient to pay the debts remaining within the 46 months remaining of a 49 month plan, extending from a 48 to a 49 month plan, to pay all of the secured and priority debts in full with a distribution to unsecured creditors equal to 56% of their claims. The new base amount will be \$93,380, which was derived by adding the total paid in months 1-3 in the amount of \$8280, plus \$85,100 which represents the modified payment of \$1850 x 46, months 4-49.
7. The Debtor has filed an Amended Schedule I and J contemporaneously with this motion which demonstrates that the Debtor is providing all current and anticipated disposable income to the plan and that the Debtor has the ability to continue the case as proposed.
8. The Debtor has incurred attorney fees in the amount of \$450 for filing this Motion to Modify, and request that these fees be paid through the plan at the rate of \$100.00 per month. This is the first request for additional attorney fees. The original benchmark fees of \$3900 were granted to the attorney at Confirmation and are paid through Debtor's plan.

Wherefore, Debtor asks that the Court enter an Order Modifying Debtor's Confirmed Chapter 13 Plan, award attorney's fees, and for such other and further relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED,

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Certificate of Service

This is to certify that a true and correct copy of the above motion has been forwarded via electronic filing, facsimile, or regular mail on 5/24/2019 to the following creditors and all creditors on attached pages.

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